IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

Crl.MC.No. 3771 of 2007()

STC.1574/2006 of JUDL. MAGISTRATE OF FIRST CLASS-II, HOSDRUG

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PETITIONER: ACCUSED

M.R.JANARDHANAN,
MANAGING PARTNER,
CHAKRAVARTHINI FILM CORPORATION,
P.B.NO.1, ARIMPUR, THRISSUR-20.

BY ADV. SRI.V.V.SURENDRAN

RESPONDENTS: STATE AND COMPLAINANT

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1. STATE OF KERALA, REP. BY
THE PUBLIC PROSECUTOR ,
HIGH COURT OF KERALA, ERNAKULAM.

2. A.KRISHNAN, S/O.N.AMBU MANIYANI,
KANIMKUNDU HOUSE, P.O.PERIYA,
HOSDURG TALUK.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 17/12/2007 ALONG WITH CRMC.NOS.3772 & 3773 OF 2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.Nos.3771, 3772 & 3773 of 2007

Dated this the 17th day of December, 2007

O R D E R

The common petitioner in these Crl.M.Cs faces indictment in 3 separate prosecutions, all pending before the J.F.C.M-II, Hosdurg. All the prosecutions are under Section 138 of the Negotiable Instruments Act and those prosecutions are initiated by different complainants. The petitioner had entered appearance. He was enlarged on bail, but he could not appear before the learned Magistrate in one case on one date of posting. A warrant of arrest was issued by the learned Magistrate against the petitioner in that case. Because of the pendency of such warrant, he could not appear in the other cases also. He now finds warrants of arrest issued by the learned Magistrate in all the 3 cases chasing him.

2. According to the petitioner, he is absolutely innocent. His absence earlier was not wilful or deliberate. He is willing to surrender before the learned Magistrate and apply for bail. But he apprehends that his applications for regular bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is therefore prayed that directions under Section 482 Cr.P.C may be issued in favour of the petitioner.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider such applications on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail in all the 3 prosecutions after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-